RAJYA SABHA

Wednesday, the 27th April, 2005/7 Vaisakha, 1927 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

Cases of violence against girl-child

*461. SHRI JANARDHANA POOJARY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that cases of violence against girl-child are on the increase;

(b) whether such violence is perpetrated even by their teachers;

(c) if so, the details thereof along with the cases booked during the last three years, year-wise and State-wise;

(d) whether Government propose to establish special courts to try cases of abuse of girl-child and to make such offence punishable with death penalty;

(e) if so, the details thereof; and

(f) if not, the reasons therefor?

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): (a) to (f) A statement is laid on the Table of the House.

Statement

(a) to (c) As per statistics compiled by the National Crime Records Bureau, the cases of selling of girls for prostitution and child rape reported during 2001—2003 show an increasing trend while the cases of procuration of minor girls and buying of girls for prostitution reported a mixed trend. The details of these cases reported during 2001—2003 are given in the statement-I (*See* below) Statistics of cases of violence against girl-child perpetrated by the teachers are not available.

(d) to (f) The Immoral Traffic (Prevention) Act, 1956 provides for establishment of special courts if the State or Central Government considers it necessary for the purpose of speedy trial. There is no proposal for making offences of abuse of girl-child punishable with death.

Statement-I

Details of cases of procuration of minor girls, selling/buying of girls for prostitution and child rape during 2001-2003

Sl No.	State/UT	2001				2002				2003			
		Procu-ration of Minor Girls	Selling of Girls For Prosti-tution	Buying of Girls For Prosti-Tution	Child Rape	Procu-ration of Minor Girls	Selling of Girls For Prosti-tution	Buying of Girls For Prosti-Tution	Child Rape	Procu-ration of Minor Girls	Selling of Girls For Prosti-tution	Buying of Girls For Prosti-tution	Child Rape
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1.	Andhra Pradesh	12	0	0	84	9	1	0	137	46	0	1	383
2.	Arunachal Pradesh	0	0	0	0	0	0	0	3	0	0	0	9
3.	Assam	0	0	0	0	6	0	0	3	12	0	0	5
4.	Bihar	16	1	1	16	9	0	0	3	1	0	0	3
5.	Chhattisgarh	0	0	0	150	0	0	0	182	0	0	0	186
6.	Goa	2	nr	0	10	2	0	0	7	5	0	0	22
7.	Gujarat	18	0	0	39	0	0	0	67	2	0	0	75
8.	Haryana	5	0	2	108	0	0	1	84	3	0	0	77
9.	Himachal Pradesh	0	0	0	35	3	0	0	26	4	0	1	36
10.	Jammu &Kashmir	0	0	0	6	0	0	0	7	0	0	0	2
11.	Jharkhand	1	0	0	11	5	0	0	43	5	0	0	16
12.	Karnataka	0	0	0	11	7	0	1	19	1	0	0	25
13.	Kerala	4	0	0	64	6	0	0	186	7	0	0	69
14.	Madhya Pradesh	4	0	0	390	5	0	1	517	13	0	25	699
15.	Maharashtra	21	1	1	367	34	8	1	491	20	5	3	605
16.	Manipur	0	0	0	0	0	0	0	0	0	0	0	7
17.	Meghalaya	0	0	0	0	0	0	0	16	0	0	0	24
18.	Mizoram	0	0	0	0	0	0	0	2	0	0	0	9
19.	Nagaland	0	0	0	0	0	0	0	6	0	0	0	0

20.	Orissa	0	0	0	17	4	0	0	21	4	0	0	55
21.	Punjab	7	0	0	38	5	0	0	62	0	0	0	54
22.	Rajasthan	0	0	0	35	2	0	0	38	1	1	0	41
23.	Sikkim	0	0	0	4	0	0	0	4	0	0	0	8
24.	Tamil Nadu	0	0	0	20	0	0	0	29	0	0	0	47
25.	Tripura	0	0	0	0	0	0	0	0	0	0	0	0
26.	Uttar Pradesh	29	1	1	562	4	0	0	416	28	0	0	301
27.	Uttaranchal	7	0	0	9	9	0	0	8	7	0	0	11
28.	West Bengal	9	3	2	12	14	0	1	16	12	18	6	16
	Total (States)	**135**	**6**	**7**	**1988**	**124**	**9**	**5**	**2383**	**171**	**24**	**36**	**2793**
29.	A & N Islands	0	0	0	0	0	0	0	1	0	0	0	2
30.	Chandigarh	0	0	0	8	0	0	0	6	0	0	0	9
31.	D & N Havli	0	0	0	0	0	0	0	0	0	0	0	0
32.	Daman & Diu	0	nr	0	0	0	0	0	0	0	0	0	4
33.	Delhi	3	0	1	113	0	0	0	138	0	0	0	140
34.	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0
35.	Pondicherry	0	0	0	4	0	0	0	4	0	0	0	1
	TOTAL (UTS)	3	0	1	125	0	0	0	149	0	0	0	156
	TOTAL (ALL INDIA)	138	6	8	2113	124	9	5	2532	171	24	36	2949

SOURCE: Crime in india; nr stands for data not reported

SHRI JANARDHANA POOJARY: Sir, according to the official figures, the number of child rape cases in India is as follows. In 2001, it was 2113, in 2002 it was 2532 and in 2003 it was 2949. But it is reported that it is more than 10,000. This number is increasing. Sir, we have seen in the recent reports that one Principal, Vice-Principal, and two businessmen raped a schoolgirl by alluring her that she will be passing in 10th Standard. Sir, in these types of crimes, some people behave worse than animals. Sir, in such circumstances, is it not better to...

MR. CHAIRMAN: Put your question. (*Interruptions*) Just put your question. (*Interruptions*) Let the Minister reply.

SHRI JANARDHANA POOJARY: ...give a deterrent punishment? Will the Minister say that deterrent punishment will be awarded?

SHRI SHIVRAJ V. PATIL: Sir, it is a fact that the child is abused by those who are near the child and who have access to the child. I agree with the hon. Member that the punishment awarded should be a deterrent punishment. At present the punishment is given for seven or ten years. In some cases life imprisonment is also given. The question is whether this punishment can be modified in a manner that it can become more deterrent. A question is, sometimes, put as to whether death punishment should be awarded or not. As to the death punishment, many jurists, politicians, and social workers also have said that, probably, death punishment will not solve the problem, but it will aggravate the problem. That is why we are looking at it very carefully. But I agree with the hon. Member that this is something in which deterrent punishment is required.

SHRI JANARADHNA POOJARY: Sir, in a number of cases the investigating agency has failed to prove the cases. I would like to know whether the Government is going to hold responsible the investigating officer, particularly, the Superintendent of Police, for trial of cases in the courts. Even the Deputy Commissioner could be held responsible. I would like to know whether they would be made accountable.

SHRI SHIVRAJ V.PATIL: Sir, in these cases, as I said before, the near relatives or the near friends or people who have access to the child are responsible, and because of that, some difficulties arise. I would say that if the courts pass some strictures against the police officers saying that proper investigation was not done, something might be done. But to say, if the case fails, we should hold the DSP or SP responsible for that, then probably, it would be swinging to the other side too much. It would also

create problems. This is something which will be looked into very carefully, and proper directions would be given.

SHRIMATI PREMA CARIAPPA: Sir, the hon. Minister may be aware about the increasing incidents of incest rapes in the country. Recently, about three days back, we came to know through a newspaper report that her father and her brother raped a 14 year old girl. I want to know from the hon. Minister what punishment is proposed to be given to them. I would also like to know whether capital punishment would be given or not. They should be hanged.

MR. CHAIRMAN: He has already spoken on that.

SHRI SHIVRAJ V. PATIL: Sir, I have already replied to this question. Probably, capital punishment instead of solving, may create some more problem.

SHRI MOTILAL VORA: Mr. Chairman, Sir, the number of cases of rape in the years 2001, 2002 and 2003 is on the increasing side. In the year 2001, the total number of cases was 2113; in the year 2002, the total number of cases was 2532; and in the year 2003; it was 2949. So, the number of cases of rape is increasing in many States. Sir, as far as Chhattisgarh is concerned. I would like to inform the hon. Minister that through a Special Mention that I have made in this House I had mentioned that about three hundred girls have been taken from Chhattisgarh to Delhi and they are being sold here. ...(*Interruptions*)...

MR. CHAIRMAN: That is a different question. ...(*Interruptions*)... That is a different question. ...(*Interruptions*)...

SHRI MOTILAL VORA: No, Sir, it is related to child abuse. ...(*Interruptions*)...

MR. CHAIRMAN: No, it is not at all related.

SHRI MOTILAL VORA: Sir, I would like to know from the hon. Minister what steps are being taken by the Government to check all these cases of rape which are taking place and the number of which is increasing day-by-day.

MR. CHAIRMAN: He has already replied.

SHRI SHIVRAJ V. PATIL: Sir, I would collect the information and give it to the hon. Member. But I would like to say in general that we have sensitised the Police, and we have asked them to take steps against

those who are involved in crimes against children and crimes against women. Sometimes, these things come to notice and whenever these things come to notice, we take action against them. If I get some information, detailed information, we would look into this matter.

SHRI P.G. NARAYANAN: Mr. Chairman, Sir, the number of cases of abuse of girl child is increasing day-by-day. In Tamil Nadu, there is one scheme, namely, 'Cradle Baby Scheme' introduced by our present Chief Minister, Puratchi Thalaivi. Under this scheme, one who does not want a girl child can leave the child in the cradles placed in public places like hospitals, etc. The State Government is taking care of everything in this respect like taking care of such girl child for its proper nurture and education. This scheme is very popular in Tamil Nadu and successful also. This reduces the cases of abuse of girl child to a great extent. Will the Government come forward to introduce this 'Cradle Baby Scheme' throughout India to reduce the abuse of girl child?

SHRI SHIVRAJ V. PATIL: It is a good scheme, probably, adopted by the Government of Tamil Nadu, and we will appreciate if these kinds of schemes are adopted by the State Governments. And, if there is anything to be done in this respect, it can be gone into detail, and after that only, some assurance can be given.

श्री दत्ता मेघे: सभापति जी, मैं आपके माध्यम से यह पूछना चाहता हूं, जैसा कि अभी कहा गया है कि वहां घरेलु लोग हैं, लेकिन मुम्बई में अभी की जो घटना है, वहां पर तो पुलिस चौकी में हर रोज रेप होता है और यह कार्य पुलिस ऑफिसर, कांस्टेबल कर रहे हैं और वह भी पुलिस चौकी में। यह बहुत ही गंभीर बात है। साढ़े पांच बजे के समय, चौपाटी पर सभी बैठे रहते हैं और यह कार्य हर चौकी में हो रहा है, और वह भी कांस्टेबल के द्वारा हो रहा है ...(व्यवधान)...

श्री सभापति: नहीं, पुलिस चौकी में ...(व्यवधान)..., पुलिस चौकी में ...(व्यवधान)..., आप मेरी बात तो सुनिए ...(व्यवधान)...।

श्री दत्ता मेघे: तब पुलिस पर क्या कोई कंडक्ट होगा या नहीं। पुलिस चौकी तो लोगों के संरक्षण के लिए है और जब कोई बालिका वहां जाती है तब उसका रेप होता है। ऐसे में क्या पुलिस के कंडक्ट के बारे में आप कोई कानून बनाने जा रहे हैं या नहीं। सिर्फ उसे डिजॉल्व कर दिया और बात वहीं बराबर हो गई, यह बात उचित नहीं है।

श्री शिवराज वी॰ पाटिल: श्रीमन्, यह बात सही है कि ऐसी दुखद घटनाएं न हों, इसके लिए कानून में भी बदलाव होना चाहिए और जो लोग इस प्रकार का कार्य करते हैं, उनके खिलाफ कड़ी कार्यवाही की जानी चाहिए, मैं समझता हूं कि राज्य सरकारें कार्यवाही कर भी रही हैं। यहां से कानून

में बदलाव लाने के बारे में भी सोचा जा रहा है। इस संबंध में क्रिमिनल प्रोसीजर एमेंडमेंट बिल इस सदन में पहले रखा गया था, उसमें इस प्रकार का प्रावधान है कि पुलिस कस्टडी में किसी महिला के साथ यदि इस प्रकार की घटना होती है...। जिसकी निन्दा ही की जा सकती है और उसके खिलाफ कड़ी कार्यवाही की जा सकती है। क्या किया जा सकता है, इसके लिए हमने पहले ही कानून में बदल करने के लिए अमेंडमेंट दिया है, उसके आने के बाद ही चर्चा हो सकती है।

श्री सभापति: श्री आर० के० आनन्द। आप बताइये कि कानूनी इसमें क्या हो सकता है?

SHRI R.K. ANAND: Sir, the United States had issued a warning that it would impose economic sanctions from June, 2005 unless concrete steps are taken to curb trafficking of children and women in the country. I would to know from the hon. Minister whether the Government is taking any steps in this direction.

SHRI SHIVRAJ V. PATIL: Sir, this matter was brought to our notice and we have taken steps in this respect. We have explained our position to the countries in the world, which are keen to see that these kinds of crimes do not take place. We have told them that we are trying to amend the laws. Then, we are sensitising the police and we are keeping a watch on what the police is doing to implement the laws. Also, we are trying to remove the economic difficulties because of which these kinds of crimes are taking place. At the same time, we have tried to tell those countries that they should take into account not only the number of crimes taking place, but also the number of people living in the country. We have more than one billion people in the country. If some figure is reported and because of such a huge population, that number appears to be too big, that along should not be considered to presume that we are insensitive to this issue. I hope that this is understood by them and taken in the right perspective.

SHRIMATI JAYA BACHCHAN: Sir, I would like to put this question to the hon. Minister, through you. I understand that there are special courts; I don't know how effective they are. But, has there been any study undertaken on the psyche of the accused? Would the Ministry take any stand on that and start looking into the psyche of the accused? Maybe, something could be done through that.

SHRI SHIVRAJ V. PATIL: Sir, this is really the most important thing, because the victim suffers throughout her life and the treatment meted out to the victim is also sometimes very cruel. So, what could be done in this respect has to be considered by the Government and the society as a whole. We have issued directions that proper counselling should be provided

and proper medical facilities made available.

SHRI SANTOSH BAGRODIA: Sir, the hon. Member was talking about the psyche of the accused and not the victim. ...(*Interruptions*)...

SHRI SHIVRAJ V. PATIL: I think it was about the victim and not the accused.

SHRI SANTOSH BAGRODIA: No, Sir, it was about the psyche of the accused, not the victim. ...(*Interruptions*)...

SHRI SHIVRAJ V. PATIL: Well, the psyche of the accused is a very big question. If the Government were to give the treatment, we shall have to find out who is having that kind of a tendency. How do we know that a person has such a tendency? Those who are in the show business also know how much they contribute, how much the literature produced is contributing, and how much the television is contributing. These are some of the things, which have to be looked into very carefully by the society as a whole. Government alone, by itself, would not be enough. But we will certainly help in this respect, in studying the psychology of the accused person, and whatever is possible could be done. But this a responsibility which has to be shouldered by those also who are in the show business, those who write articles and novels and those who are producing films for the television too ...(*Interruptions*)...

MR. CHAIRMAN: Next question. Question No. 462.

Amendment to Article 356

*462. SHRI MANOJ BHATTACHARYA:††
SHRI N.K. PREMACHANDRAN:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court in the famous S.R. Bommai case made several suggestions to be incorporated in Article 356 of the Constitution; if so, the details thereof;

(b) whether the Sarkaria Commission also made similar suggestions and if so, the details thereof;

(c) whether these suggestions are being put in place by a suitable amendment of Article 356; and

(d) if so, the details thereof and if not, the reasons therefor?

††The question was actually asked on the floor of the House by Shri Manoj Bhattacharya.